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Background Information

In section 6002 of the Resource Conservation and Recovery Act (RCRA), congress directed government agencies to promote recycling by increasing their purchases of products containing recovered materials. RCRA requires EPA to designate products that can be made with recovered materials and to recommend practices for buying these products. President Clinton reinforced RCRA's buy-recycled components when he issued Executive Order 13101, requiring Federal agencies to establish an affirmative procurement program for EPA designated items.

EPA's designated items come from their Comprehensive Procurement Guidelines (CPG). Once a product is designated, procuring agencies are required to purchase it with the highest recovered material content level practicable.

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Who is Required to Buy Recycled Products?

Under RCRA, the requirement to purchase an EPA designated product containing recovered materials applies to procuring agencies that spend more than \$10,000 a year on that item. Therefore, NASA is required to comply with affirmative procurement regulations.

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What is a Procuring Agency?

Procuring agencies are federal, state, and local agencies, and their contractors, that use appropriated federal funds. For example, if an agency spends more than \$10,000 a year on an EPA designated item, and part of that money is from appropriated federal funds, then the agency must purchase the item made from recovered materials.

Purchases unrelated or incidental to the purpose of federal funding are not subject to these requirements. When it is not apparent that the guidelines apply to a purchase, EPA encourages procuring agencies to follow the guidelines to help expand markets for products made from recovered materials

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What is an Affirmative Procurement Program?

Affirmative Procurement or buy-recycled program is an agency's strategy for maximizing its purchases of EPA-designated items. These Programs should assure that procured items are composed of as much recovered

material as possible. Programs should be flexible enough to incorporate newly designated items.

Programs must consist of the following:

- A recovered materials preference program
- An agency promotion program
- A program for requiring vendors to reasonably estimate, certify and verify the recovered materials content of their products
- A program to monitor and annually review the effectiveness of the affirmative procurement program

Within one year following EPA designation of items, procuring agencies must revise their specifications to require the use of recovered materials to the maximum extent possible without jeopardizing the intended end use of items.

Preference Program

A preference program is the system by which an agency implements its stated preference for purchasing products containing recovered materials. RCRA identifies three options for preference programs:

Minimum Content Standards

- Specify the minimum amount of recovered materials that designated items should contain
- Are recommended by the EPA as ranges of recovered materials content that are currently available
- Should be the basis for which procuring agencies develop their own standards

Case-by-Case Policy Development

- Used when a procuring agency determines that minimum content standards are inappropriate for a specific procurement action
- Allows the procuring agency to establish a separate recovered materials content requirement for the specific procurement action
- Enables the agency to procure the designated product with the highest amount of recovered materials practicable

Substantially Equivalent Approaches

- Used when minimum content standards are inappropriate
- Ex. Procuring agencies may establish service contracts for remanufacturing toner cartridges

Promotion Program

Agencies must actively advertise their desire to buy recycled products, both within their organizations and to product vendors.

Internal promotion usually is a broad-based employee education program that affirms an agency's procurement policy through :

- Advertising
- Workshops
- Agency newsletters
- Technical and staff manuals

Examples of external promotion include:

- Publishing articles in trade journals
- Participating in vendor shows or trade fairs
- Placing statements in bid solicitations
- Discussing an agency's procurement policy at bidders' conferences

Estimation, Certification, Verification, and Monitoring

Agencies must establish procedures for certifying, estimating, and verifying the amount of recovered materials in a